IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5976 OF 2005

Gorakhnath Parande alias Appa
Shahaji Parande. ... Applicant.
Versus.
State of Maharashtra. ... Respondent.

Shri Uday P.Warunjikar for the Applicant.
Ms.Rajashree Gadhvi, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.
DATED : 4th October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant submitted that the application for bail made by the Applicant before the Sessions Court was decided on the same day on which it was filed without calling for the report of the Investigating Officer. He pointed out that the learned Judge has referred to a report of the Investigating Officer without there being any report of the Investigating Officer. He stated that even on merits there is absolutely no material against the Applicant in so far as the involvement of the Applicant in the offence registered under section 417, 420, 465, 467 and 468, 471, 504, 506 read with section 34 of the Indian Penal Code is concerned. The learned A.P.P. submitted that on the very day on which the application for bail was considered by the Sessions Court, a report was filed by the Investigating officer in connection with the Application by a co-accused which was on board. The

learned A.P.P. submitted that the entire material collected during the investigation was shown to the learned Addl.Sessions Judge. The learned A.P.P. submitted that the investigation will be completed within a period of one month from today.

3. I have considered the submissions. Though there may not be a report specifically filed in the case of the Applicant, it appears that on the very day a report was filed by the Investigating Officer in the bail application filed by a co-accused in the same case. The reference in the order passed by the Sessions Court appears to be to the report submitted in the bail application of the co-accused.

4. Considering the allegations made against the Applicant regarding the cheque received by him and threats given by him to the Complainant and others, this is not a case where the Applicant can be enlarged on bail before completion of the investigation. No case is made out for enlarging the Applicant on bail. The Application is rejected. It is made clear that after completion of the investigation, the Applicant will be entitled to file fresh application before the Sessions Court which will be considered on its own merits.

Judge.